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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/974,179 11/19/97 LI

M 129249-2

EXAMINER

QM12/0313

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ART UNIT

PAPER NUMBER

3724

DATE MAILED:

03/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/974,179

Applicant(s)
Li et al.

Examiner
Clark F. Dexter

Group Art Unit
3724



☒ Responsive to communication(s) filed on Dec 8, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-45 is/are pending in the application.

Of the above, claim(s) 6-9 and 18-45 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 10-12, and 17 is/are rejected.

☒ Claim(s) 2-5 and 13-16 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Dec 8, 2000 is ☐ approved ☒ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. The amendment filed December 8, 2000 has been entered.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on December 8, 2000 have been disapproved because an approved copy has already been received and made of record (see paper 10, paragraph #2).
3. The drawings are objected to because upon further review, the workpiece is shown in Figure 4 as being supported horizontally as in the prior art (Fig. 1) rather than at an angle as in the present invention (Figs. 2 and 3), and since it seems that it is the present invention which is intended to be illustrated, Figure 4 appears to be inaccurate and it seems that the upper line of feature 22 and the lower line of feature 24 should be angled as in Figures 2 and 3. Correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 10-12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kravets.

Kravets discloses a cutting device which performs every step of the claimed method including securing a metal sheet at a cutting angle of about 20-30 degrees measured as claimed (e.g., as shown and described for Figure 10b), and trimming the metal sheet, wherein the metal sheet is secured between a die (e.g., 22, 24) and a pad (e.g., 32). Kravets lacks the metal sheet being aluminum. However, it would have been obvious to one having ordinary skill in the art to cut a sheet of aluminum using the device of Kravets for the benefits taught thereby including providing a smooth sheared finish. It is noted that although the cutting edge radius of Kravets is not disclosed, the Examiner takes Official notice that cutting edges having a radius less than 0.75 mm (which meets the claim) are old and well known in the art.

Regarding claim 1, Kravets further discloses a cutting blade clearance in the broad sense in that there is sufficient clearance for the cutting blade to pass. Further, regarding claim 12, to provide a cutting angle of about 15 degrees to about 25 degrees would be the mere discovery of the optimum or workable ranges within the general conditions of the prior art (e.g., for cutting aluminum) by routine experimentation and therefore obvious to one of ordinary skill in the art.

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Allowable Subject Matter

6. Claims 2-5 and 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed December 8, 2000 have been fully considered but they are not persuasive.

Regarding the drawing objections, it is respectfully submitted that the Examiner has objected to Figure 4, not Figure 1.

Regarding applicant's argument in the second to the last paragraph on page 2 of the amendment, applicant states that "a workpiece 100 is sheared at a large angle measured from the vertical direction." Applicant then argues that "[S]uch large cutting angles disclosed by Kravets '263 are not suitable for trimming aluminum sheet." However, the Examiner respectfully disagrees with applicant's analysis. It is respectfully submitted that it is a plane perpendicular to a cutting direction from which the angle is measured, not the vertical direction. Thus, Kravets '263 discloses cutting angles within the claimed range. Moreover, for reasons such as those stated in the prior art rejection, the Examiner maintains that it would have been obvious to one having ordinary skill in the art to use the device of Kravets to cut an aluminum sheet.

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Conclusion


8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.


Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
March 12, 2000